

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

CHRISTINA MCCUNE,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil No. 3:10-CV-05074-RJB JRC

ORDER REGARDING BRIEFING ON  
PLAINTIFF'S MOTION TO CORRECT  
THE RECORD

Noting Date: January 7, 2011

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrates Rule MJR 4(a)(4); and, as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261, 271-72 (1976). This matter is before this Court on Plaintiff's Motion to Correct the Record. (ECF No. 24.) Defendant filed a response on December 16, 2010. (ECF No. 33.)

On November 17, 2010, plaintiff filed a Motion to Correct the Record. (ECF No. 24.) On December 1, 2010, this Court granted the Agreed Motion for Extension of Time to file Response to plaintiff's Motion to Correct the Record (ECF No. 26), giving defendant until December 13,

1 2010 to file its Response. (ECF No. 28.) Defendant filed said Response on December 16, 2010.  
2 (ECF No. 33.)

3 The Court deems defendant's late filing of his Response as a Motion for Extension of  
4 Time to file defendant's Response. Cf. United States v. O'Malley, 1986 U.S. Dist. LEXIS 16390  
5 at \*3 (N.D. Ill. 1986) ("[t]he court deems the request as a motion for an extension of time"). (See  
6 also ECF No. 33.) Accordingly,

7 IT IS HEREBY ORDERED:

8 1) Defendant shall have until December 28, 2010 to file a brief in support of its  
9 Motion for Extension of Time (see ECF No. 33), although not required to do so;  
10 2) Plaintiff shall have until January 4, 2011 to file any response to defendant's  
11 request for extension of time;  
12 3) Defendant shall have until January 6, 2011 to file a reply;  
13 4) This matter, i.e., defendant's Motion for Extension of Time (see ECF No. 33),  
14 shall be noted for January 7, 2011; and,  
15 5) Plaintiff's Motion to Correct the Record (ECF No. 24) shall be renoted for  
16 January 7, 2011.

17 The clerk is directed to set defendant's Motion for Extension of Time to File Response (see ECF  
18 No. 33), as well as plaintiff's Motion to Correct the Record (ECF No. 24), on January 7, 2011, as  
19 noted in the caption.

20 DATED this 21st day of December, 2010.

21   
22 J. Richard Creatura  
23 United States Magistrate Judge